

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, <i>et al.</i> , Debtors in Foreign Proceedings.	Chapter 15 Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), <i>et al.</i> , Plaintiffs, v. ABN AMRO SCHWEIZ AG, <i>et al.</i> , Defendants.	Adv. Pro. No. 10-3635 (CGM)

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. **Name(s) of appellants:** National Bank of Kuwait S.A.K., NBK Banque Privée (Suisse) SA (and others)
2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Defendants

Part 2: Identify the subject of this appeal

1. **Describe the judgment, order or decree appealed from:** Defendants-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a)(3) from:
 - a. Stipulated Order Granting in Part and Denying in Part Moving Defendants' Second Consolidated Motion to Dismiss, dated February 26, 2021, 2021 (ECF No. 519) (the "Order"), solely insofar as it denies the Second Consolidated

Motion to Dismiss as to the Constructive Trust Claims (defined therein) and results in further proceedings in the Bankruptcy Court on issues listed in Paragraph II.1 of the Order;

- b. Memorandum Decision Granting in Part and Denying in Part Defendants' Renewed Motion to Dismiss, dated December 14, 2020 (*Fairfield Sentry Limited (in Liquidation), et al., v. Theodoor GGC Amsterdam, et al.*, Adv. Pro. No. 10-03496¹ (Bankr. S.D.N.Y. Dec. 14, 2020), ECF. No. 3062) ("Fairfield III"), solely insofar as it concerns claims not dismissed under the Order and results in further proceedings regarding the same claims; and
- c. Each and every part of the Memorandum Decision and Order Denying Motion for Reconsideration, dated February 23, 2021 (*Fairfield Sentry Limited (in Liquidation), et al., v. Theodoor GGC Amsterdam, et al.*, Adv. Pro. No. 10-03496 (Bankr. S.D.N.Y. Feb. 23, 2021), ECF. No. 3080) ("Fairfield IV").

2. **State the date on which the judgment, order, or decree was entered:**

- a. The Order was entered on February 26, 2021. A copy of the Order is annexed hereto as **Exhibit A**. Paragraph II.5 of the Order provides, in relevant part: "Pursuant to Bankruptcy Rules 8002(d) and 8004(a), Moving Defendants' time to file any notice of appeal or notice of cross-appeal arising out of or relating to this Order is hereby extended to and including thirty-five (35) days from the date of entry of this Order."

¹ The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

- b. *Fairfield III* was entered on December 14, 2020. A copy of *Fairfield III* is annexed hereto as **Exhibit B**
- c. *Fairfield IV* was entered on was entered on February 23, 2021. A copy of *Fairfield IV* is annexed hereto as **Exhibit C**. The Court's Order dated March 8, 2021 provides, in relevant part: "Pursuant to Bankruptcy Rules 8002(d) and 8004(a), Defendants' time to file any notice of appeal out of or relating to [Fairfield IV] is hereby extended to and including thirty-five (35) days from the date of the entry of [Fairfield IV]." Stipulated Order Granting Extension of Defendants' Deadline to File Notice of Appeal, dated March 8, 2021 (*Fairfield Sentry Limited (in Liquidation), et al., v. Theodoor GGC Amsterdam, et al.*, Adv. Pro. No. 10-03496² (Bankr. S.D.N.Y. Mar. 8, 2021), ECF. No. 3089).

Part 3: Identify the other parties to the appeal

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Defendants-Appellants	Attorneys
National Bank of Kuwait S.A.K., and NBK Banque Privée (Suisse) SA	KING & SPALDING LLP Richard A. Cirillo 1185 Avenue of the Americas New York, NY 10036 212-556-2100

Plaintiffs-Appellees	Attorneys
Fairfield Sentry Limited (In Liquidation), Fairfield Sigma Limited (In Liquidation),	SELENDY & GAY PLLC David Elsberg

² The Court entered this order only on the administratively consolidated docket for this action and its related proceedings.

and Fairfield Lambda Limited (In Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell solely in their capacities as Foreign Representatives and Liquidators thereof	Andrew R. Dunlap Lena Konanova Jordan Garman Ronald Krock Evan Bianchi 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000
	BROWN RUDNICK LLP David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800

Part 4: Not Applicable (No BAP in this District)

Part 5: Signature

Dated: March 30, 2021
New York, New York

By: /s/ Richard A. Cirillo
Richard A. Cirillo

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